

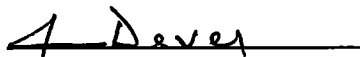
IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:13-CR-5-D  
No. 5:15-CV-204-D

DELLONTE RASHAUN SEBURN, )  
)  
Petitioner, )  
)  
v. )  
)  
UNITED STATES OF AMERICA, )  
)  
Respondent. )

**ORDER**

On July 22, 2016, Dellonte Rashaun Seburn ("Seburn") moved pro se to file a "belated Johnson claim" [D.E. 108]. Seburn is a convicted bank robber under 18 U.S.C. § 2113(a), who has already filed an unsuccessful petition under 28 U.S.C. § 2255. See Seburn v. United States, No. 5:13-CR-5-D, 2016 WL 4411530, at \*1–3 (E.D.N.C. June 30, 2016), appeal dismissed, 678 F. App'x 121 (4th Cir. 2017) (per curiam) (unpublished). Thus, the court DISMISSES the motion [D.E. 109] as successive. See, e.g., 28 U.S.C. § 2255(h); Gonzalez v. Crosby, 545 U.S. 524, 528–38 (2005); Richardson v. Thomas, 930 F.3d 587, 595–600 (4th Cir. 2019); Moses v. Joyner, 815 F.3d 163, 167–69 (4th Cir. 2106). Alternatively, the court DENIES the motion [D.E. 109] as meritless. The Supreme Court's holding in Johnson v. United States, 135 S. Ct. 2551, 2563 (2015), has nothing to do with Seburn's conviction under 18 U.S.C. § 2113(a). The court DENIES a certificate of appealability. See 28 U.S.C. § 2253(c); Miller-El v. Cockrell, 537 U.S. 322, 336–38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000).

SO ORDERED. This 3 day of August 2020.

  
JAMES C. DEVER III  
United States District Judge